

**RESOLUTION OF THE BOROUGH OF  
MERCHANTVILLE, COUNTY OF CAMDEN AND  
STATE OF NEW JERSEY AUTHORIZING THE  
MAYOR, BOROUGH CLERK AND BOROUGH  
ATTORNEY TO EXECUTE THE SETTLEMENT  
DOCUMENTS RELATIVE TO THE PENNSAUKEN  
SOLID WASTE MANAGEMENT AUTHORITY  
(PSWMA) LITIGATION**

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") was named as a Defendant in litigation brought in 1991 for certain damages as a result of its usage of the facility known as the "Pennsauken Landfill," (hereinafter "PSWMA"), then owned and operated by the Pollution Control Financing Authority of Camden County (hereinafter PCFACC), as successor in interest to the Pennsauken Solid Waste Management Authority; and

**WHEREAS**, a settlement has been reached in this litigation between the PCFACC and the eight (8) municipal defendants for a gross amount of \$1.25 million dollars; and

**WHEREAS**, the proportionate share of this settlement for Merchantville is \$242,165.00, representing the apportioned volume deposited by Merchantville at the Pennsauken Landfill during its operation by both Ward Sand and the PSWMA; and

**WHEREAS**, the settlement amount to be paid by Merchantville is subject to insurance coverage through The Hartford Insurance Company (75%), Travelers Insurance Company (18%) and ACE Property & Casualty Insurance Company (7%), who have tentatively agreed to pay this indemnity on behalf of Merchantville, subject to the completion of a contract regarding same; and

**WHEREAS**, the municipal defendants, including Merchantville, and PCFACC intend by virtue of this document to set forth the terms and conditions of this Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville, Denise Brouse, Borough Clerk of the Borough of Merchantville and Timothy J. Higgins, Esquire, Borough Attorney of the Borough of Merchantville, be and hereby are authorized to execute the settlement documents, attached

hereto as Exhibits “A” and “B”, providing for the settlement of the above-referenced litigation on behalf of the Borough of Merchantville.

**THE BOROUGH OF MERCHANTVILLE**

**BY:** \_\_\_\_\_  
**FRANK M. NORTH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**DENISE BROUSE, BOROUGH CLERK**

I, **DENISE BROUSE**, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on April 27, 2009, and that said Resolution passed by a majority vote of the members of Borough Council.

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**DENISE BROUSE, BOROUGH CLERK**